# UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

Bridgeport Music Inc.,	)
Plaintiff,	) Case No. 3:05-0377
	) Judge Todd J. Campbell
vs.	) Magistrate Judge Joe Brown
	) Jury Demand
Robert Hill Music, et al.,	)
	)
Defendants.	)

## PLAINTIFF BRIDGEPORT MUSIC INC.'S MOTION TO RESET TRIAL

Plaintiff Bridgeport Music Inc. ("Bridgeport"), by and through undersigned counsel, submits its motion to alter or amend the Court's Order on January 23, 2008 resetting the trial in this matter until August 26, 2008. (Docs. Nos. 315-16, Order.) Due to two conflicting trials involving Bridgeport's lead counsel, Bridgeport asks the Court to reset the new trial date set in the Order to a date after November 5, 2008.

### **BACKGROUND**

On January 22, 2008, Defendant Robert Hill Music ("Robert Hill") filed a motion to continue trial in this matter from May 13, 2008, to the earliest available date after August 31, 2008. (Doc. No. 313.) In support, Robert Hill argued its former principal is scheduled to be released from prison in August 2008. (*Id.*) Robert Hill also represented to the Court that Bridgeport opposed the extension beyond August 31, 2008 due to trials scheduled in other matters in September and October 2008. (*Id.*)

This Court granted Robert Hill's motion, resetting trial to August 26, 2008, with a pretrial conference set for August 18, 2008, and motions in limine and other filings due August 4 and 11, 2008. (Doc. No. 316.)

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**EXHIBIT** 

## **ARGUMENT**

Richard Busch, lead counsel for Bridgeport, is also lead counsel in two trials set for September 2, 2008 and October 14, 2008. The first trial is in the Central District of California in the matter of *F.B.T. Productions, LLC. v. Aftermath Records*, Case No. CV 07-3314. As shown in the scheduling order (attached as Exhibit A hereto), on November 20, 2007, the court set the pretrial conference in that matter for August 18, 2008, with trial set to commence on September 2, 2008. Trial is estimated to last for five days, or until September 8, 2008.

Mr. Busch is also lead counsel in a subsequent trial in the Eastern District of Michigain in the matter of *Eight Mile Style, LLC v. Apple Computer, Inc.*, No. 07-cv-13164. As shown in the scheduling order (attached as Exhibit B hereto), the pretrial conference in that matter has been set for September 18, 2008, with trial set to commence on October 14, 2008.

The Court's current trial schedule directly conflicts with the dates set in the Central District of California matter. Immediately following the trial in California, lead counsel for Bridgeport will be appearing and preparing for trial in the Eastern District of Michigan. Due to the necessity for lead counsel to be involved in pretrial filings, the pretrial conference, and in trial preparation in this matter, Bridgeport respectfully requests a new trial date any time after November 5, 2008.

Bridgeport has conferred with counsel for the defendants. The Universal defendants do not object to a request to move the trial to a date in November or early December, with their preference being early November. Counsel for Robert Hill has indicated he will advise whether there are any conflicts by the morning of January 24, 2008. Bridgeport will advise the Court immediately if any conflicts are found.

DATED: January 23, 2008

Respectfully submitted,

KING & BALLOW

/s/ Richard S. Busch

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was electronically filed and served through the Court's system upon the following:

Counsel	On behalf of:
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this 23rd day of January 2008.

/s/ Richard S. Busch